

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAKYM DURHAM : CIVIL ACTION
:
v. : NO. 20-3944
:
CITY OF PHILADELPHIA, *et al.* :

ORDER

AND NOW, this 12th day of March 2021, following today's conference with Defendants' counsel and Plaintiff's criminal counsel (Plaintiff's counsel in this case inexplicably did not participate) on Defendants' unopposed Motion to stay proceedings (ECF Doc. No. 24), and finding good cause to amend our January 28, 2021 Order (ECF Doc. No. 21) as to prospective pretrial testimonial obligations given prejudice arising from pending criminal allegations in Pennsylvania state court which appear to include fleeing or attempting to elude a police officer at or around the same time as the allegations in this case, but finding no basis for an undefined stay, it is **ORDERED** Defendants' unopposed Motion (ECF Doc. No. 24) is **DENIED** as stated but we **amend** our January 28, 2021 Order (ECF Doc. No. 21) as to prospective pretrial obligations:

1. All fact and expert discovery shall be served, noticed and completed by **May 24, 2021**.¹

2. The parties shall defer responses to written discovery or testimonial evidence until after **April 30, 2021**. We expect all parties to now diligently proceed with investigation and written discovery requests and the extension granted today is warranted only to defer discovery responses and depositions mindful of privileges in the criminal prosecution.

¹ Should *all* parties wish to extend this *discovery* deadline *without extending any other deadline*, the parties may agree to do so without seeking leave of the Court.

3. No later than **April 30, 2021**, all parties seeking relief of any sort shall serve a detailed written demand upon all parties claimed to be responsible for any claim of relief. All responding parties shall provide a detailed written response on or before **May 5, 2021**.

4. Plaintiff's Counsel may contact Judge Heffley to reschedule the April 30, 2021 initial settlement conference (ECF Doc. No. 22) consistent with this Order if warranted.

5. Counsel for each party shall serve upon counsel for every other party the information referred to in Federal Rule of Civil Procedure 26(a)(2)(B) necessary to meet their burden of proof by expert report or answer to expert interrogatory no later than **May 7, 2021**. If the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, counsel shall serve such rebuttal evidence on counsel for every other party no later than **May 19, 2021**. Expert depositions, if any, shall be concluded no later than **May 24, 2021**.

6. Summary judgment and *Daubert* motions, if any, shall be filed no later than **May 28, 2021**. Responses shall be filed in accord with the Local Rules and this Court's Policies and no later than **June 11, 2021**.

7. All other obligations in our January 28, 2021 Order (ECF Doc. No. 21) remain in effect.


KEARNEY, J.